

These sheets are being issued pursuant to provisions of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff contained in Section 12.4, Demand Charge Adjustment Commodity Surcharge; Section 23, Purchased Gas Cost Adjustment and Section 26, Louisiana First Use Tax (LFUT) Adjustment. These sheets are also being issued pursuant to Article IX, Transportation Tracker, and Article XI Staten Island LNG Facility, of the Stipulation and Agreement in RP78-87 approved by Commission Order issued April 4, 1980.

The changes proposed consist of:

(1) Changes in the DCA Commodity Surcharges pursuant to Section 12.4, mentioned above;

(2) PGA Adjustments of \$.081/dth reduction in the demand component of rates and an increase of 65.77¢/dth in the commodity component based on increases in the projected cost of gas purchased from producer and pipeline suppliers and an increase in the Account 191 balance as of May 31, 1981, pursuant to Section 23;

(3) Projected Incremental Pricing Surcharges for the period August, 1981 through January, 1982, pursuant to Section 23;

(4) A LFUT Adjustment Surcharge pursuant to Section 26 to clear the May 31, 1981 balance in the Deferred LFUT Account. In accordance with the Commission's order issued June 29, 1981, in Docket No. TA81-2-17, Texas Eastern has not included a current adjustment in its proposed rates for August 1, 1981, since the U.S. Supreme Court has found the tax to be unconstitutional and has enjoined collection of the tax;

(5) Increases in the T&C by Others Adjustments to reflect increased projected transportation and compression costs and the estimated July 31, 1981 balance in the Deferred Transportation Cost Account pursuant to the provisions of Article IX of the RP78-87 Stipulation and Agreement; and

(6) A reduction to the Rate Schedule SS rates to reflect the decrease in actual costs incurred in operating and maintaining the Staten Island LNG Facility for the 12 month period ended February 28, 1981, pursuant to the provisions of Article XI of the RP78-87 Stipulation and Agreement.

The proposed effective date of the above tariff sheets is August 1, 1981.

The changes proposed include costs associated with gas which Texas Eastern is importing from Canada pursuant to the certificate granted to Texas Eastern by order issued June 10, 1981, in Docket No. CP79-332, *et al.* According to footnote 1 of § 154.38(d)(4) of the Commission's regulations these

new pipeline supplies cannot be reflected in rate changes filed pursuant to Texas Eastern's PGA clause without prior Commission approval. Accordingly, to the extent required Texas Eastern has requested such approval and waiver of such Commission regulations as may be necessary for Texas Eastern to recover the costs of the gas which it is importing from Canada by means of the Purchase Gas Adjustment clause in its tariff on file with the Commission. In particular, Texas Eastern requested the Commission to grant the approval necessary to allow the imported gas to be reflected in Texas Eastern's PGA clause to the same extent that "wellhead purchases, field purchases . . ." may be reflected in a pipeline's PGA clause. Such approval is sought by Texas Eastern not only with respect to the instant PGA filing but also to subsequent PGA filings which Texas Eastern may make. The granting of this approval and any necessary waiver permitting Texas Eastern to reflect the cost of the imported volumes in filings made in its PGA clause is consistent with the recent action taken by the Commission with respect to volumes of gas imported from Canada by other pipelines. See Ordering Paragraph (D) of the order issued December 15, 1980, in *Transcontinental Gas Pipe Line Corporation*, Docket No. CP80-372.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules and Practice and Procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20723 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-17-003]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 10, 1981.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on July 2, 1981, tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Fifty-ninth Revised Sheet No. 14
Fifty-ninth Revised Sheet No. 14A
Fifty-ninth Revised Sheet No. 14B
Fifty-ninth Revised Sheet No. 14C
Fifty-ninth Revised Sheet No. 14D

Texas Eastern states that the sole purpose of the above tariff sheets is to eliminate from Texas Eastern's rates the current adjustment for the Louisiana First Use Tax (LFUT) which became effective on February 1, 1981.

Texas Eastern states that this filing is made pursuant to Order Directing Pipelines To Cease Collection Of The First Use Tax From Their Customers, Terminating Tracking Of The First Use Tax And Requiring The Filing Of Revised Rate Tariff Sheets issued June 29, 1981. This order was issued in light of the fact that on June 15, 1981, the Supreme Court issued its decree implementing its May 26, 1981 opinion in *Maryland v. Louisiana*, Original No. 83, finding that the LFUT is unconstitutional and enjoining the State of Louisiana from collection of the LFUT.

Accordingly, Texas Eastern proposes in accordance with the Commission's orders and in light of the decision of the Supreme Court to remove the LFUT current adjustment from its rates effective May 1, 1981. Such tariff sheets are filed subject to the express condition that they are subject to the Supreme Court's decision in *Maryland v. Louisiana* becoming final and nonappealable and the collection of the LFUT being permanently enjoined. Further, they are subject to the Commission's order issued June 29, 1981, becoming final and nonappealable. Further, in the event the State of Louisiana is lawfully permitted to collect the LFUT as provided in the current Louisiana law for periods after May 1, 1981, these tariff sheets will not become effective until the date on which the State of Louisiana is not permitted to collect such tax.

The proposed effective date of the above tariff sheets is May 1, 1981.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20724 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-121]

United Gas Pipe Line Co.; Drafting Conference and Informal Settlement Conference

July 10, 1981.

Take notice that on July 16, 1981, at 10:30 a.m., there will be a drafting conference pertaining to a tentative agreement which, among other things, reserves certain issues for subsequent resolution and on August 11, 1981, at 10:00 a.m. until 12:00 p.m., and from 1:00 p.m. until 5:00 p.m., there will be an informal settlement conference regarding the reserved issues. The meeting place for these conferences will be at the offices of the Securities Exchange Commission, 500 North Capitol Street, N.W., Room 776, Washington, D.C.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20725 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-589-000]

West Texas Utilities Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that on July 6, 1981, West Texas Utilities Company (WTU) submitted for filing two executed Delivery Point and Service Specifications sheets providing for changes in conditions of service under Service Agreements between WTU and the City of Sonora executed under WTU's FERC Electric Tariff, Original Volume No. 1. The changes provide for the establishment of a new delivery point and the decrease in stated maximum contract demand at the existing delivery point.

WTU states that copies of the filing have been sent to the public Utility Commission of Texas and the City of Sonora.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20726 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-591-000]

Wisconsin Power and Light Co.; Filing

July 13, 1981.

The filing Company submits the following:

Take notice that on July 6, 1981, Wisconsin Power and Light Company (WPL) tendered for filing an amendment and supplement to the power pool agreement dated June 10, 1981 between the Madison Gas & Electric Company, Wisconsin Public Service Corporation and WPL. WPL states that this is an amendment and supplement to the three company power pool agreement originally dated July 26, 1973.

WPL requests a proposed effective date of June 10, 1981, and therefore, requests a waiver of notice requirement of the Commission's regulations. WPL states that a copy of the amendment and supplement to the power pool agreement and the filing have been provided to the Madison Gas & Electric Company, Wisconsin Public Service Corporation, and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before August 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-20727 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed; Week of June 12 through June 19, 1981

During the week of June 12 through June 19, 1981, the appeals and applications for exception on other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,
Director, Office of Hearings and Appeals.
July 9, 1981.

List of Cases Received by The Office of Hearings and Appeals

[Week of June 12 through June 19, 1981]

Date	Name and location of applicant	Case No.	Type of submission
June 9, 1981	American Federation of Government Employees, Lakewood, Colorado.	BAA-0691	Appeal of OMB Circular No. A-76. If granted: A cost comparison study prepared pursuant to OMB Circular No. A-76 by DOE's Albuquerque Operations Office would be reviewed.
June 15, 1981	Laketon Asphalt Refining, Inc., Washington, D.C.	BFA-0694	Appeal of an Information Request Denial. If granted: The May 14, 1981 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Laketon Asphalt Refining, Inc. would receive access to certain DOE information.
June 15, 1981	Plateau, Inc., Washington, D.C.	BFA-0692	Appeal of an Information Request Denial. If granted: The April 30, 1981 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Plateau, Inc. would receive access to certain DOE information.
June 16, 1981	Young Refining, Inc., Washington, D.C.	BFA-0693	Appeal of an Information Request Denial. If granted: The May 7, 1981 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Young Refining, Inc. would receive access to certain DOE information.
June 16, 1981	James W. Mayo, Bethesda, Maryland	BFA-0695	Appeal of an Information Request Denial. If granted: The Information Request Denial issued by the Department of Energy would be rescinded, and James W. Mayo would receive access to certain DOE information.
June 17, 1981	Barkett Oil Company, McLean, Virginia	BRS-0167	Request for Stay. If granted: Barkett Oil Company would receive a stay of its obligation to file responses to the Notices of Probable Violation pending a determination to transfer the proceedings to the Department of Justice.
June 17, 1981	Office of Special Counsel, Washington, D.C.	BRZ-0105	Request for Interlocutory Order. If granted: The factual findings specified in the Office of Special Counsel's motion would be deemed admitted by Texaco, Inc. (Case No. DRO-0199).
June 18, 1981	Central Sales, Miamisburg, Ohio	BEE-1666	Exception from the Reporting Requirements. If granted: Central Sales would not be required to file form EIA-9A ("No. 2 Distillate Price Monitoring Report").
June 18, 1981	Taylor Oil Company, Washington D.C.	BEG-0058	Request for Special Redress. If granted: The Administrative Litigation Division of the Office of General Counsel would not be permitted to participate in an enforcement proceeding involving the Taylor Oil Company (Case No. BRO-1284).
June 18, 1981	Western Oil Sales Company, Seattle, Washington.	BEE-1667	Exception from the Reporting Requirements. If granted: Western Oil Sales Company would not be required to file the EIA form relating to sales of diesel fuel.
June 12, 1981	Charter Oil Company, Jacksonville, Florida.	BYX-0218	Supplemental Order. If granted: The May 4, 1981 Decision and Order (Case No. DXE-2108) issued to Charter Oil Company by the Office of Hearings and Appeals would be amended to reflect certain adjustments which were not included in the previous calculation of the appropriate level of exception relief.
June 12, 1981	Miller & Chevalier, Washington, D.C.	BFA-0690	Appeal of Information Request Denial. If granted: The May 11, 1981 Information Request issued by the Deputy General Counsel for Regulation would be rescinded, and Miller & Chevalier would receive access to certain DOE information.

Notices of Objection Received

[Week of June 15 to June 19]

Date	Name and Location of Applicant	Case No.
June 15, 1981	Little America Refining Co., Inc., Washington, D.C.	DEX-0005.
June 15, 1981	Little America Refining Co., Washington, D.C.	DEX-0116

[FR Doc. 81-20617 Filed 7-14-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

(EN-FRL 1862-7)

California State Motor Vehicle Pollution Control Standards; Amendments Within the Scope of Previous Waiver of Federal Preemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of scope of waiver of Federal preemption.

SUMMARY: This notice announces that California does not need a waiver of Federal preemption to enforce certain amendments to its new motor vehicle pollution control program because these amendments fall within the scope of California regulations covered by a previously granted waiver. The amendments, applicable to new heavy-duty engines, extend the emission standards for 1980-1982 model year heavy-duty engines to include model year 1983, and delay the more stringent 1983 and subsequent model year heavy-duty engine emission standards for one year until model year 1984. Since the changes are included within the scope of a previous waiver, a public hearing to consider them is unnecessary. However, if any party asserts an objection to these findings on or before August 14, 1981, EPA will consider holding a public hearing to provide an opportunity to present testimony and evidence to show that there are issues to be addressed through a Section 209(b) waiver determination and that I should reconsider my findings. Otherwise these findings will become final at the expiration of this 30-day period.

DATES: Any objection to the findings in this notice must be filed on or before August 14, 1981; otherwise, at the expiration of this 30-day period these findings will become final. Upon receipt of any timely objection EPA will consider holding a public hearing which will be announced in a subsequent Federal Register notice.

ADDRESSES: Any objection to the findings in this notice should be filed with Mr. Charles N. Freed, Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Copies of the above standards and procedures at issue in this notice, as well as those documents used in arriving at this decision, are available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at the U.S.

Environmental Protection Agency, Central Docket Section, Gallery I, 401 M Street SW., Washington, D.C. 20460 (Docket EN-81-5). Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, California 95812.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 209(a) of the Clean Air Act, as amended, 42 U.S.C. 7543(a) ("Act"), provides:

No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No State shall require certification, inspection or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

Section 209(b)(1) of the Act requires the Administrator, after notice and opportunity for public hearing, to waive application of the prohibitions of Section 209(a) for any State which has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. The Administrator must grant a waiver unless he finds that: (A) the determination of the State is arbitrary and capricious, (B) the State does not need the State standards to meet compelling and extraordinary conditions, or (C) the State standards and accompanying enforcement procedures are not consistent with Section 202(a) of the Act.

As previous waiver decisions have explained, State standards or enforcement procedures are not consistent with Section 202(a) if there is inadequate lead time to permit the development of the technology necessary to meet those requirements, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and State test procedures impose inconsistent

certification requirements.¹ California is the only State which meets the Section 209(b)(1) eligibility criteria for receiving waivers.

Once California has received a waiver of Federal preemption for its standards and enforcement procedures for a class of vehicles, it may adopt other conditions precedent to initial retail sale, titling or registration of the subject class of vehicles without the necessity of receiving a further waiver of Federal preemption.² If California acts to change a previously waived standard or accompanying enforcement procedure, the change may be included within the scope of the previous waiver if it does not cause California's standards, in the aggregate, to be less protective of public health and welfare than applicable Federal standards, does not cause California's requirements to be inconsistent with Section 202(a) of the Act, and raises no new issues affecting the Administrator's previous waiver determinations.³

II. Discussion

On August 19, 1980, CARB notified EPA⁴ that it had amended its "California Exhaust Emission Standards and Test Procedures for 1982 and Subsequent Model Heavy-Duty Engines and Vehicles"⁵ so as to extend the current 1980 exhaust emission standards one year through model year 1983 which, in effect, postpones the model year 1983 standards until model year 1984. The California exhaust emission standards at issue (prior to this amendment) were, for model years 1980-1982, 1.0/25/6.0 grams per brake-horsepower-hour hydrocarbons, carbon monoxide and hydrocarbons plus oxides of nitrogen, respectively (g/Bhp-hr HC/CO/HC+NO_x),⁶ and, for model year

¹ See, e.g., 43 FR 32182 (July 25, 1978).

² See 43 FR 36679, 36680 (1978).

³ See 44 FR 61096, 61099-61101 (1979); see also, letter from Marvin B. Durning, Assistant Administrator for Enforcement, Environmental Protection Agency (EPA), to Thomas C. Austin, Executive Officer, California Air Resources Board (CARB), March 8, 1979.

⁴ Letter from Gary Rubenstein, Deputy Executive Officer, CARB, to Douglas M. Costle, Administrator, EPA, August 19, 1980 [hereinafter "CARB August 19, 1980 Letter"].

⁵ Title 13, California Administrative Code, Section 1956.7, as amended May 22, 1980.

⁶ The California standard for 1980-1982 actually provides for two sets of standards; California affords the manufacturer the option of showing compliance with the 1.0/25/6.0 g/Bhp-hr HC/CO/HC+NO_x set of standards or a 25/5 g/Bhp-hr CO/HC+NO_x set of standards for each engine family. The amendment at issue continues this option through model year 1983. Hereinafter, whenever I refer to the 1980-1982 standard, I am referring to the two alternative sets of standards.

1983, 0.5/25/4.5 g/Bhp-hr/HC/CO/HC+NO_x. The amendment which is the subject of this waiver request would extend the 1.0/25/6.0 g/Bhp-hr HC/CO/HC+NO_x (or 25/5 g/Bhp-hr CO/HC+NO_x) standard through 1983 and would postpone the application of the 0.5/25/4.5 g/Bhp-hr HC/CO/HC+NO_x standard until 1984.⁷

In its letter, CARB stated its belief that the changes caused by the amendment were included within the scope of a waiver of Federal preemption that EPA already granted to California.⁸ I agree with CARB's belief that these changes are included within the scope of a previous waiver because they are merely changes to existing standards or enforcement procedures covered by a waiver; they do not cause the California standards, in the aggregate, to be less protective than applicable Federal standards; they do not cause California's requirements to be inconsistent with Section 202(a) of the Act; and they present no new issues affecting EPA's previous determinations with regard to California's standards and enforcement procedure.

EPA waived Federal preemption for California to enforce its 1980-1982 model year and 1983 and subsequent model year heavy-duty exhaust emission standards on June 22, 1977.⁹ On May 22, 1980, CARB held a public hearing in response to requests from various heavy-duty engine and vehicle manufacturers to reconsider the 1983 California heavy-duty engine exhaust emission standards. The manufacturers were concerned about the ramifications of the Federal enactment of new transient test procedures¹⁰ for heavy-

duty engines which are to go into effect beginning with model year 1984.¹¹ The manufacturers stated that inadequate lead time existed for conversion of facilities to perform transient testing, for development of Federal engines based on transient procedures, and for simultaneous development of California engines based upon the "steady-state" test procedures.¹² Since the manufacturers considered it likely that California would adopt the new Federal transient cycle test procedures,¹³ the manufacturers were concerned that the 1983 California engines would be certified for only one year.¹⁴ The manufacturers thus claimed that performing separate certification tests for model year 1983 for engines already certified in earlier model years would be unnecessary and costly and that the availability of product lines in California could be severely limited in model year 1983 due to higher priority of the Federal program.¹⁵ Based on these arguments and CARB findings that the one year extension would have no measureable effect on air quality, CARB decided to grant a one-year extension of its 1980-1982 model year standards to ease the manufacturers' burdens for model year 1983.¹⁶

CARB's postponement of the former 1983 model year standard leaves in effect the 1980-1982 model year standards for one additional model year. Although this postponement lessens the stringency of the 1983 model year standards covered by previous waivers of Federal preemption, the amended

standards which would be in effect for model year 1983 remain at least as, or more, stringent than the corresponding Federal standards,¹⁷ precisely as was the case in model years preceding 1983. Therefore, the postponement does not affect California's determination that its own standards are at least as protective as Federal standards. Additionally, EPA found CARB's existing standards to be technologically feasible when it previously granted California a waiver of Federal preemption.¹⁸ Extending the standards one additional year presents no new issues of technological feasibility because the manufacturers can use the same technology they already have developed for model years 1980-1982 in model year 1983. Thus, no new technology is required to meet the 1983 standards. This amendment also raises no new issues affecting the previous waiver determinations. Therefore, the amendment is included within the scope of the previous waiver for California's 1980-1982 and 1983 and subsequent model year heavy-duty engine exhaust emission standards and test procedures.

III. Findings and Decision

Accordingly, the amendment to California's 1980-1982 and 1983 and subsequent model year heavy-duty engine exhaust emission standards and test procedures is within the scope of the waiver previously granted for these regulations. This finding will become final August 14, 1981, unless a *bona fide* objection is filed.

My decision will affect not only persons in California but also the manufacturers located outside the State who must comply with California's standards in order to produce motor vehicles for sale in California. For this reason I hereby determine and find that this decision is of nationwide scope and effect.

Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981) requires EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare Regulatory Impact Analyses for all major rules. Section 1(b) of the Order defines "major rule" as any regulation (as defined in the Executive Order) that is likely to result in:

¹⁷ The Federal standards for 1980-1983 model year gasoline-fueled and diesel-fueled heavy-duty engines are 1.5/25/10 g/Bhp-hr HC/CO/HC+NO_x. An alternative standard, to be selected at the manufacturer's option, is 5.0/25 g/Bhp-hr HC+NO_x/CO. 40 CFR 86.080-10, 86.080-11. Note that California's primary standard is more stringent than the Federal counterpart, but that the California and Federal alternative standards are identical.

¹⁸ See note 9, *supra*.

⁷ In its August 19, 1980 letter, CARB stated that it is studying plans to adopt new standards and test procedures for 1984 based upon the new Federal standards and test procedures [45 FR 4136 (January 21, 1980)]. See also note 13, *infra*, and accompanying text.

⁸ CARB August 19, 1980 Letter. For a discussion of the waiver CARB was referring to, see note 13, *infra*, and accompanying text.

⁹ 42 FR 31637 (June 22, 1977). On the same date, but in a separate decision, EPA also waived Federal preemption for California to enforce its 1979 model year heavy-duty engine emission standards on the condition that California also adopt additional alternative standards and test procedures. See 42 FR 31639 (June 22, 1977). See also 43 FR 20549 (May 12, 1978) wherein EPA determined that the condition that EPA established in the June 22, 1977, waiver was satisfied.

¹⁰ At present, both California and Federal regulations provide for model engine exhaust emission testing which subjects the engine to a sequence of steady-state (i.e., unchanging) speed and torque combinations which recently have been found by EPA to have little relationship to actual patterns of use. 45 FR 4136, 4138 (January 21, 1980). The new transient test procedures adopted by EPA for 1984 and later model years, employ, in laboratory tests, a dynamometer (a computer-based controller) and emission sampling apparatus. By

properly controlling the dynamometer, the engine can be subjected to conditions which more closely simulate the operation of an engine in a vehicle on the road, thereby obtaining more representative emission test results. See 45 FR 4136, 4137-4139 (January 21, 1980).

¹¹ See CARB August 19, 1980 Letter.

¹² *Id.*

¹³ On January 21, 1981, by Resolution 81-1, CARB adopted the Federal transient cycle test procedures, to be applied to 1984 and subsequent model year heavy-duty engines, as an optional set of test procedures. CARB also adopted, in the same resolution, optional exhaust emission standards for heavy-duty engines of the same model years to be applied to those engines tested under the optional transient cycle test procedures. See Memorandum to Docket EN-81-5 from Michael Chernekoff, Memorandum of Telephone Conversation with Rod Summerfield, CARB, dated February 23, 1981. See also note 6, *supra*.

¹⁴ The model year 1980-1982 engines are to be certified to the less stringent standards using the steady-state procedures, the model year 1983 engine would have to be certified to the more stringent standards using the steady-state tests, and the model year 1984 engine would be certified again to the more stringent, but this time using the new transient test procedure. See CARB August 19, 1980 Letter.

¹⁵ *Id.*

¹⁶ See State of California, Air Resources Board, Resolution 80-24, May 22, 1980.

(1) an annual effect on the economy of \$100 million or more;

(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

EPA has determined that this waiver determination does not constitute a major rule. The likely effects, if any, on the economy, or otherwise, of this determination will be a cost savings to consumers, Government agencies and industries affected, and a beneficial effect on competition (both foreign and domestic), employment, investment, productivity, and innovation.

Accordingly, a Regulatory Impact Analysis is not being prepared for this waiver determination.

This action is not a "rule" as defined in 5 U.S.C. 601(2) because EPA is not required to undergo "notice and comment" under Section 553(b) of the Administrative Procedure Act, or any other law. Therefore, EPA has not prepared a supporting flexibility analysis addressing the impact of this action on small business entities.

Dated: July 6, 1981.

Anne M. Gorsuch,
Administrator.

[FR Doc. 81-20052 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-33-M

[OPP-50537A; PH-FRL-1882-3]

Ciba-Geigy Corp.; Experimental Use Permit; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has amended an experimental use permit, No. 100-EUP-1, issued to Ciba-Geigy Corp. for use of 1,544 pounds of the fungicide *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)alanine methyl ester on potatoes to evaluate control of early and late blight.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the

Federal Register of May 5, 1981 (45 FR 25138), announcing that Ciba-Geigy Corp., Greensboro, NC 27409, had been issued an extension of an experimental use permit for use of 1,544 pounds of the fungicide *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)alanine methyl ester. Ciba-Geigy has requested that the permit be amended to add the State of Ohio (24 acres). All other conditions of the experimental use program remain the same.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: July 2, 1981.

Douglas D. Camp,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-20648 Filed 7-14-81; 8:45 am]

BILLING CODE 6560-32-M

[EN-FRL 1883-2]

Fuels and Fuel Additives; Waiver Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On February 20, 1981, Anafuel Unlimited (Anafuel) submitted an application for a waiver of the section 211(f) prohibition on certain fuels and fuel additives set forth in the Clean Air Act (Act). This application is for a proprietary fuel known as Petrocoal which consists of up to 12 percent, by volume, of methanol, up to six percent of certain four-carbon alcohols, by volume, in the presence of a proprietary inhibitor of not less than 0.023 grams per gallon (gpg) and not more than 0.033 gpg in unleaded gasoline. The Administrator of EPA has until August 19, 1981 (date of receipt of the application) to grant or deny a waiver.

Notice of receipt of this application appeared in the Federal Register on April 13, 1981 (46 FR 21695).

Because of the proprietary nature of Petrocoal and because of EPA's desire to render a determination on the maximum amount of data, Anafuel agreed to provide a reasonable amount of the premixed fuel Petrocoal for test purposes provided the prospective tester executed a confidentiality agreement with Anafuel.

Public docket EN-81-8 was established for this waiver request and the comment period, for receipt of any comments or test data, closed on May 28, 1981.

However, problems were encountered by Anafuel in supplying Petrocoal to those parties who requested it.

Therefore, EPA will accept comments submitted no later than July 6, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas E. Moore, Attorney-Advisor, Field Operations and Support Division (EN-397), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 472-9367.

Dated: June 19, 1981.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-20651 Filed 7-14-81; 8:45 am]

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[OPP-50539; PH-FRL-1882-4]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

36638-EUP-4. Albany International, Controlled Release Division, 110 A Street, Needham Heights, MA 02194. This experimental use permit allows the use 33.5 pounds of the pheromone (Z)-11-hexadecenal on artichokes to evaluate control of artichoke plume moth mating. A total of 240 acres are involved. The program is authorized only in the State of California. The experimental use program is effective from May 1, 1981 to May 1, 1982. A temporary exemption from the requirement of a tolerance for residues of the active ingredients in or on artichokes has been established. (Franklin Gee, PM 17, Rm. 401, CM#2, (703-557-7028))

464-EUP-70. Dow Chemical U.S.A., Agricultural Products Department, P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 2,000 pounds of the herbicide triclopyr on non-cropland to evaluate control of weeds. A total of 2,000 acres are